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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,089	09/26/2000	Thomas Liebecke	P00,1722	3824

7590 10/09/2003

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
3729	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,089

Applicant(s)

MELF ET AL.

Examiner

Minh Trinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

1. Applicant's election without traverse of Group I, claims 1-5 in Paper No. 6 are acknowledged.

2. Thus, claims 6-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention of Group II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6. In view of finding that the Restriction mailed in or about September 27, 2001 was proper and is correct and further in view of the fact that Applicant has not traversed the Restriction the Restriction is hereby **MADE FINAL**, Applicant therefore is requested to cancel all non elected claims or take other appropriate action.

An Office Action on the merits of claims 1-5 follows.

Claim Objections

3. Claims 2-5 are objected to because of the following informalities: "A" (claims 2-5, line 1) should be change to —The— to reflect the dependent claims format. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recites limitations: "which"(claim 1, approximate line 4, 6 and 10; claim 2, line 4, claim 3, line 3, etc., of the marked up); "its "(claim 3, line 3); and many others are unclear and confusing because it is not known what exactly structure applicants are directing to by means of "which", please clarify. Also, it is not clear whether "an electrical component"(claim 1, line 10) is same as the at least one of the electrical components as previous claimed.

The scope of the claims is not clear because the claims recite outside element limitations such as "electrical components" therefore, it is not clear if the associated components are/is part of the claimed structure?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Soth (US 5,020,959).

Soth teaches the supply module of the present comprising: a component displacing apparatus 12 in wherein the components are displaced in an advancing

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direction along advancing plane to a removal position from which the component are removed by the component head of the automatic component mounting machine 22 (see Figures 1-2, in which Figure 1, shows a displacing apparatus 12 including a number of associated features thereof, and Figure 2, shows a mounting machine 22 associated with in, see Abstract, lines 1-11), said component displacement 12 defining a removal opening at a removal side through which the component mounting head removes the component; an adjustable locking element 28 that at least partially blocks an electrical component at the removal opening (see Figure 1, open area under 28) when the adjustable locking element 28 is in a blocking position and that releases the electrical component 15 at the removal opening when the adjustable locking element is in a removal position (see illustration present in Figure 4, see col. 3); the adjustable locking element 28 including a strip 30 extending in the advancing direction, the strip 30 having a width of less than a lateral distance between the electrical component 15 at the removal opening and an adjacent exterior side of the component displacing apparatus 12 (see Figure 2), the adjacent exterior side extending in the advancing direction perpendicular to the advancing plane 45, the adjustable locking element 28 being selectively movable transversely with respect to the advancing direction into an edge region between the electrical component at the removal position and the exterior side 12 (see Figs 1-4, col. 3, lines 10-68 and col. 4).

As applied to claim 2, Soth teaches the narrow finger at the end of the adjustable element 28 (see Fig. 2).

Limitations of claims 3-4 are also met as set forth above. It is noted that ref. 30 as shown in Fig. 2, readable as "a strip" as claimed by the instant invention.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Soth (US 5,020,959).

Soth as applied above meets every aspect limitations of the present invention with the exception that the bending actuator is of piezoceramic material. With respect to piezoceramic material, it would have been an obvious matter of design choice to choose any desired material since applicant has not disclosed that the use of piezoceramic material would solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the conventional available resilient material as taught by the applied art. Further, it would have been obvious to one having skill in the art to choose a material i.e., piezoceramic, steel like, since it was known in the art that selecting a material from a host of group of available materials on the basis of its suitability for the intended use as a matter of obvious design choice.

Prior Art References

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art references are cited for their teaching of component supply devices.

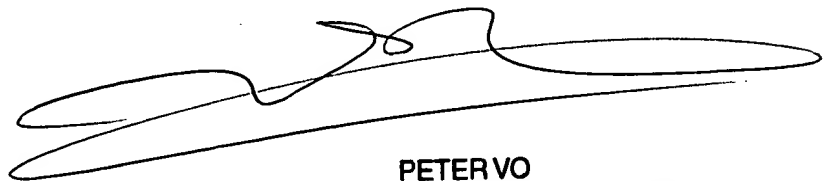
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
July 25, 2002

A handwritten signature in black ink, appearing to read 'PETER VO', with a long horizontal flourish extending to the right.

**PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**